

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CASE NO.: 1:04CV98-T

VANCE CLIFFORD DALTON and )  
KAY S. DALTON, )  
Plaintiffs, )  
v. ) NOTICE OF REMOVAL OF ACTION  
LARRY PIERSON, Individually and ) UNDER 28 U.S.C. § 1441(b)  
officially as Henderson County Deputy ) [Federal Question]  
Sheriff, et al., )  
Defendants. )  
\_\_\_\_\_  
)

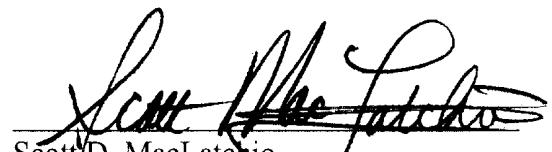
TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant George H. Erwin, Jr. hereby removes to this Court the state court action described below.

1. On April 27, 2004 a Complaint was filed in Henderson County Superior Court entitled Vance Clifford Dalton and Kay S. Dalton vs. Larry Pierson, et al., Defendants, as Case No.04 CVS 693. A copy of the Complaint is attached hereto as Exhibit "A."
2. The first date upon which Defendant received a copy of said Complaint was when it was received by mail on May 5, 2004.
3. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(b) in that the Complaint seeks damages for violation of federal civil rights pursuant to 42 U.S.C. §1983.

4. The Defendant seeking removal is the only Defendant who has been served thus far with the state court Complaint.

Dated: May 28, 2004



Scott D. MacLatchie  
North Carolina Bar No. 22824  
Womble Carlyle Sandridge & Rice  
301 S. College Street, Ste. 3300  
Charlotte, North Carolina 28202  
Telephone No. (704) 331-4942  
Fax No. (704) 343-4867